

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BDRN, LLC, BDRN PHARMACY, LLC, and JOHN
DOE,

Civil Act. No.: 15-cv-804(NSR)

Plaintiff,
-against-

UNITEDHEALTHCARE OF NEW YORK, INC.,
UNITEDHEALTHCARE INSURANCE COMPANY
OF NEW YORK, and OPTUMRX, INC.,

**DECLARATION OF
MARYANN BRITTO**
**DOCUMENT
ELECTRONICALLY FILED**

Defendants.

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MARYANN BRITTO, pursuant to 28 U.S.C. §1746(2), declares under penalty of perjury the following:

1. I am employed as a Legal Case Information Analyst by United Healthcare Services, Inc. (“United”). My duties include investigating and responding to claims and complaints against United and its affiliates, including, Oxford Health Plans (NY), Inc. (“Oxford”). As part of my duties, I review the business records created and maintained by Oxford in the regular course and scope of its business. I have been provided with information to identify Plaintiff “John Doe” so that I can determine whether he participates in an employer-sponsored group plan.

2. This Declaration is respectfully submitted in opposition to Plaintiffs’ order show cause for a temporary restraining order and preliminary injunction.

3. I have confirmed that Plaintiff was and continues to be a participant in the employer-sponsored group plan (the “Plan”) for employees of Voyetra Turtle Beach, Inc. (“Voyetra”). Oxford insured the health care benefits provided under the Plan pursuant to the group enrollment agreement and group insurance policy number VT3084 issued to Voyetra by Oxford and pursuant to the

enrollment agreement and group insurance policy number VT3084 issued to Voyetra by Oxford and pursuant to the Certificates of Coverage issued by Oxford during relevant time frame.

4. Annexed hereto as **Exhibit “A-1”** is a true and correct copy of the relevant cover letter to the group enrollment agreement (Bates Stamped Exhibit “A-1” 000001 through 000010), and Certificate of Coverage (Bates Stamped Exhibit “A-1” 000011 through 000156) issued by Oxford effective July 1, 2013 through present.

5. Annexed hereto as **Exhibit “A-2”** is a true and correct copy of the relevant Outpatient Prescription Drug Rider for the Plan (Bates Stamped Exhibit “A-2” 000001-000007).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 20, 2015


MARYANN BRITTO

CERTIFICATE OF SERVICE

I, Michael H. Bernstein, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF MARYANN BRITTO** was served via ECF on this 20th day of February, 2015 upon the following:

Joseph Murphy, Esq.
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Attorneys for Plaintiff

s/
Michael H. Bernstein

Dated: New York, New York
February 20, 2015